

# CASES 128-S-24 & 131-V-24

PRELIMINARY MEMORANDUM

February 21, 2024

Brookens Administrative Center  
1776 E. Washington Street  
Urbana, Illinois 61802

(217) 384-3708  
zoningdept@co.champaign.il.us  
www.co.champaign.il.us/zoning

**Petitioner:** Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC

**Request:** Case 128-S-24  
Authorize a Special Use Permit for a Neighborhood Home Occupation that exceeds the maximum allowed number of vehicles in the AG-2 Agriculture Zoning District per Section 7.1.1. of the Zoning Ordinance, subject to the proposed variance in Case 131-V-24.

Case 131-V-24

Authorize a Variance for a Neighborhood Home Occupation with parking that is 0 feet from the front lot line and side lot lines in lieu of the minimum required 10 feet from the front lot line and 5 feet from the side lot lines in the AG-2 Agriculture Zoning District, per Section 7.4.1 A.3. of the Zoning Ordinance.

**Location:** A 0.43-acre lot in the Southeast Quarter of the Northeast Quarter of Section 10, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 903 North High Cross Road, Urbana.

**Site Area:** 0.43 acre

**Time Schedule for Development:** Already in use

**Prepared by:** **Susan Burgstrom**, Senior Planner  
**John Hall**, Zoning Administrator

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## BACKGROUND

Petitioners Fatima Salazar and Pedro Palzan own the subject property and are owners of two home-based businesses: Roof Panther and K2 Builders LLC. They are the sole officers and shareholders in the businesses. The petitioners have been working with the P&Z Department to determine the appropriate level of permitting required for the businesses, and the Zoning Administrator determined that a Neighborhood Home Occupation (NHO) would be the best fit. The businesses exceed what is allowed in a NHO because of the number of vehicles onsite, and therefore require a Special Use Permit per Section 7.1.1 L. The petitioners also would like to park the business vehicles north of the house on an existing driveway, but the vehicles would be too close to the north and east property lines, so a variance is required.

Neighborhood Home Occupations are allowed by-right as an accessory use to the residence in any zoning district.

A complaint was received in January 2024 that there are too many business-related vehicles and trailers on the property.

**EXISTING LAND USE AND ZONING**

**Table 1. Land Use and Zoning in the Vicinity**

<b>Direction</b>	<b>Land Use</b>	<b>Zoning</b>
Onsite	Residential with two businesses	AG-2 Agriculture
North	Residential	AG-2 Agriculture
East	Tree farm and residence	AG-2 Agriculture
West	Residential	AG-2 Agriculture
South	Residential	Urbana Zoning R-2 Single Family Residential

**EXTRATERRITORIAL JURISDICTION**

The subject property is located within the one and one-half mile extraterritorial of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on a Special Use, but are notified of such cases.

The subject property is located in Urbana Township, which does not have a Plan Commission.

**PROPERTY LINES IN QUESTION**

The Site Plan received January 9, 2024, uses a survey created by Hartke Engineering and Services. The survey does not align with historic tax maps nor current Champaign County GIS parcel lines. P&Z Staff created a 2023 Annotated Aerial (Attachment C) showing several areas where the survey and GIS differ. P&Z Staff has reached out to CCGIS to request review of their parcel lines and expect to know more by the ZBA meeting.

Since Case 131-V-24 relates to how far parking can occur from the property lines, we need to be certain of where those lines actually are so that all parking occurs onsite rather than in the road right-of-way.

**NUMBER OF EMPLOYEES ALLOWED IN AN NHO**

Paragraph 7.1.1 A. states, “No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.”

Currently, the petitioners have one employee who comes to the subject property around 7:30 a.m. and leaves around 5 p.m. Since the Zoning Ordinance states the employee should not be there before 8:00 a.m., the ZBA needs to determine if this 30 minute difference is acceptable for this Special Use Permit.

Additionally, even though the petitioners only have one employee, they have indicated they would like to hire more in the future. A special condition has been added regarding the possible increase in the number of employees beyond what an NHO allows.

**PROPOSED SPECIAL CONDITIONS FOR CASE 128-S-24**

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

**That the proposed uses are in compliance with the Zoning Ordinance.**

- B. **Should the number of non-family employees for both Neighborhood Home Occupations exceed one, the petitioner must either:**
- (1) **apply for a new Special Use Permit, or**
  - (2) **ensure that only one employee parks at the subject property and other employees meet at work sites.**

The special condition stated above is required to ensure the following:

**That the Neighborhood Home Occupations comply with Zoning Ordinance requirements.**

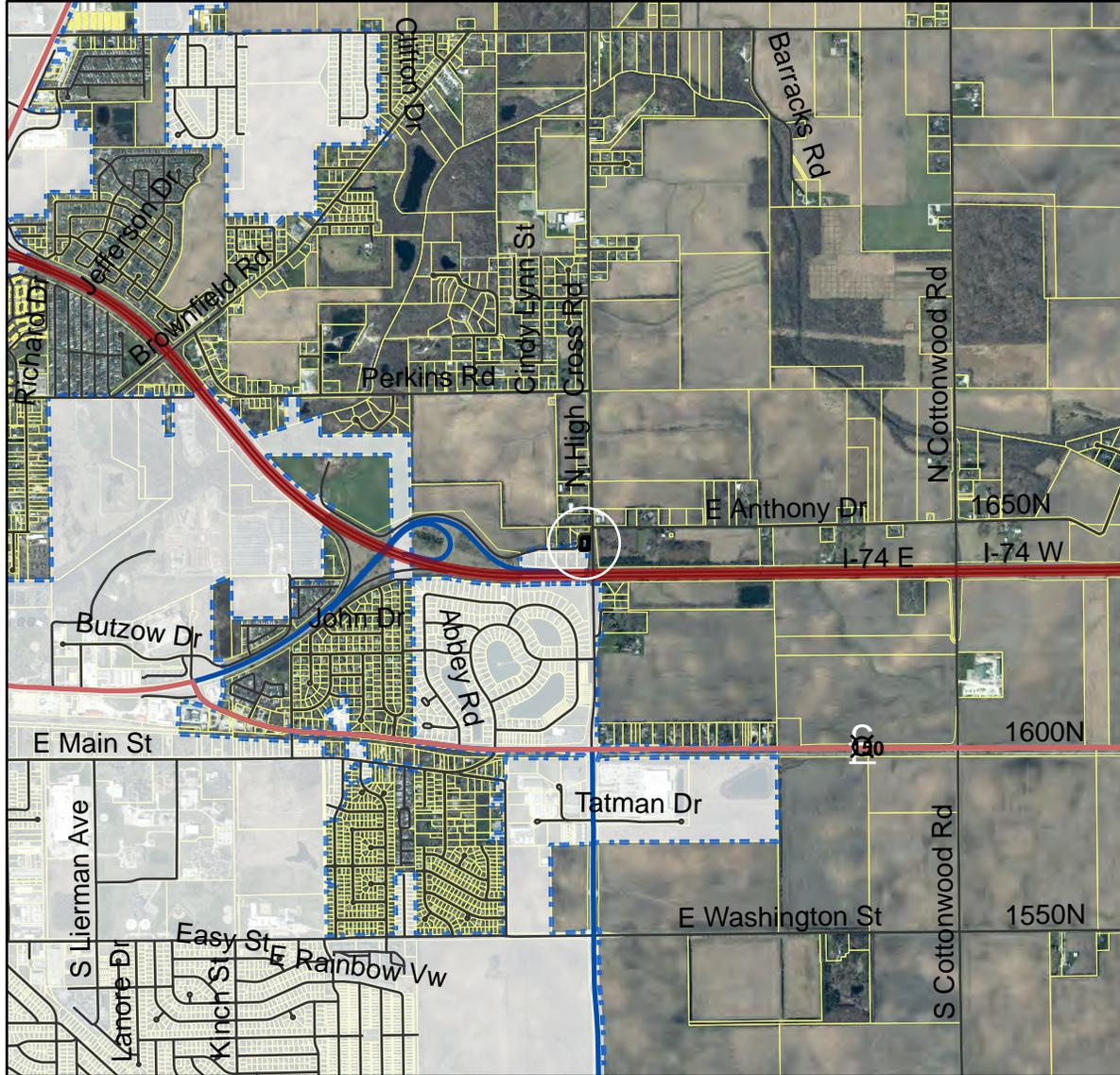
**ATTACHMENTS**

- A Case Maps (Location, Land Use, Zoning)
- B Site Plan received January 9, 2024
- C 2023 Annotated Aerial created by P&Z Staff
- D Email from Fatima Salazar received January 17, 2024, with attachment: map with septic tank location
- E Site Visit Photos taken January 12, 2024
- F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated February 29, 2024

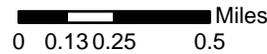
# Location Map

Cases 128-S-24 & 131-V-24  
February 29, 2024

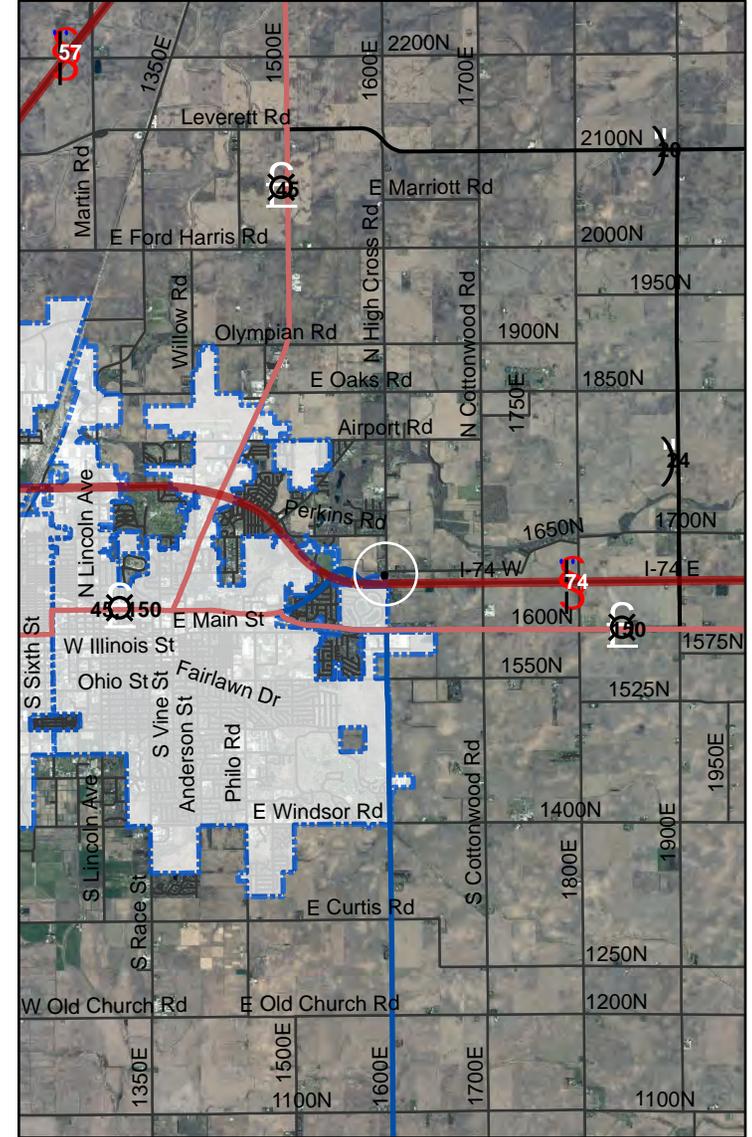
Subject Property



-  Subject Property
-  Parcels
-  Municipal Boundary



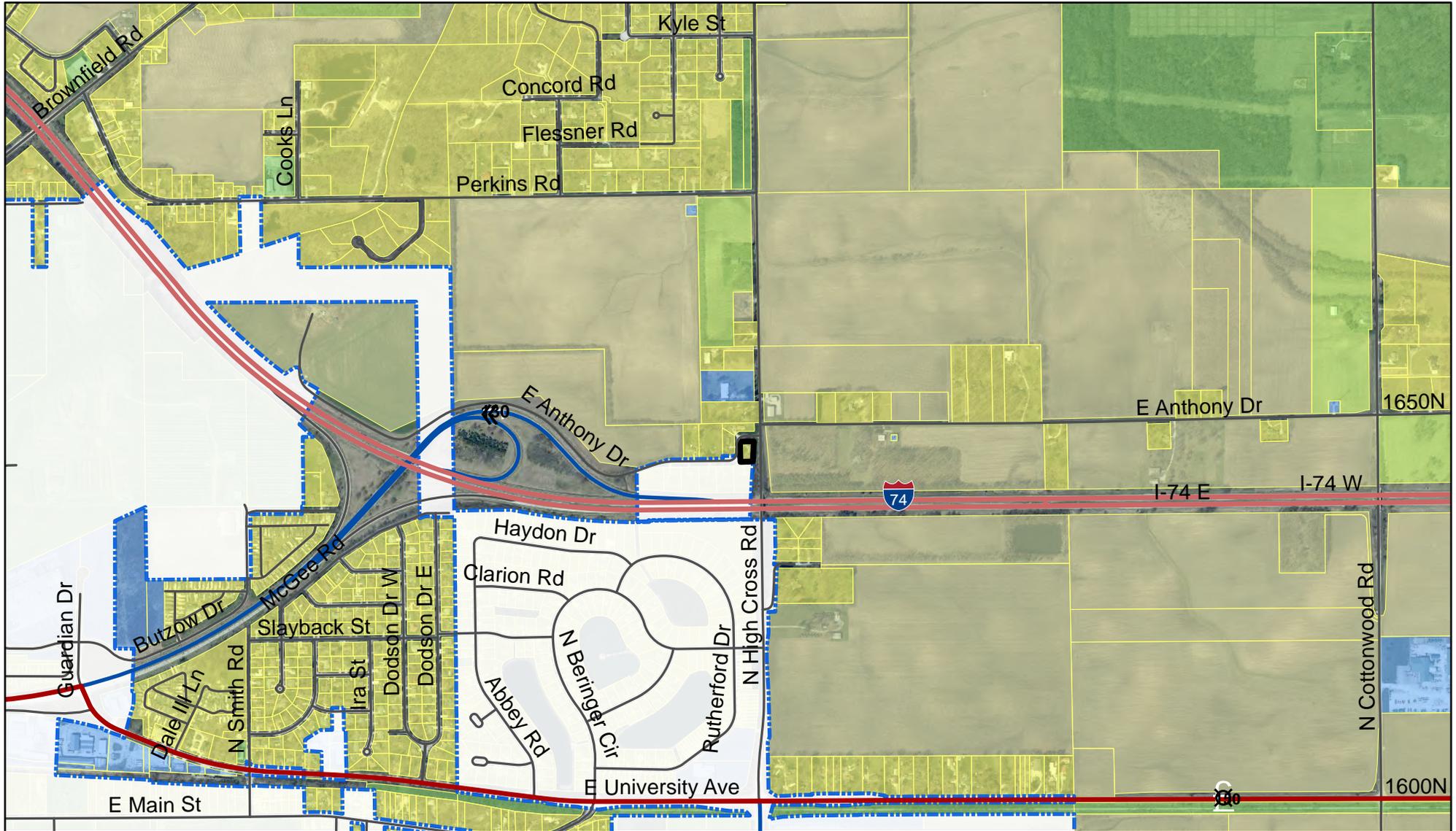
Property location in Champaign County



Champaign County  
Department of  
**PLANNING &  
ZONING**

# Land Use Map

Cases 128-S-24 & 131-V-24  
February 29, 2024



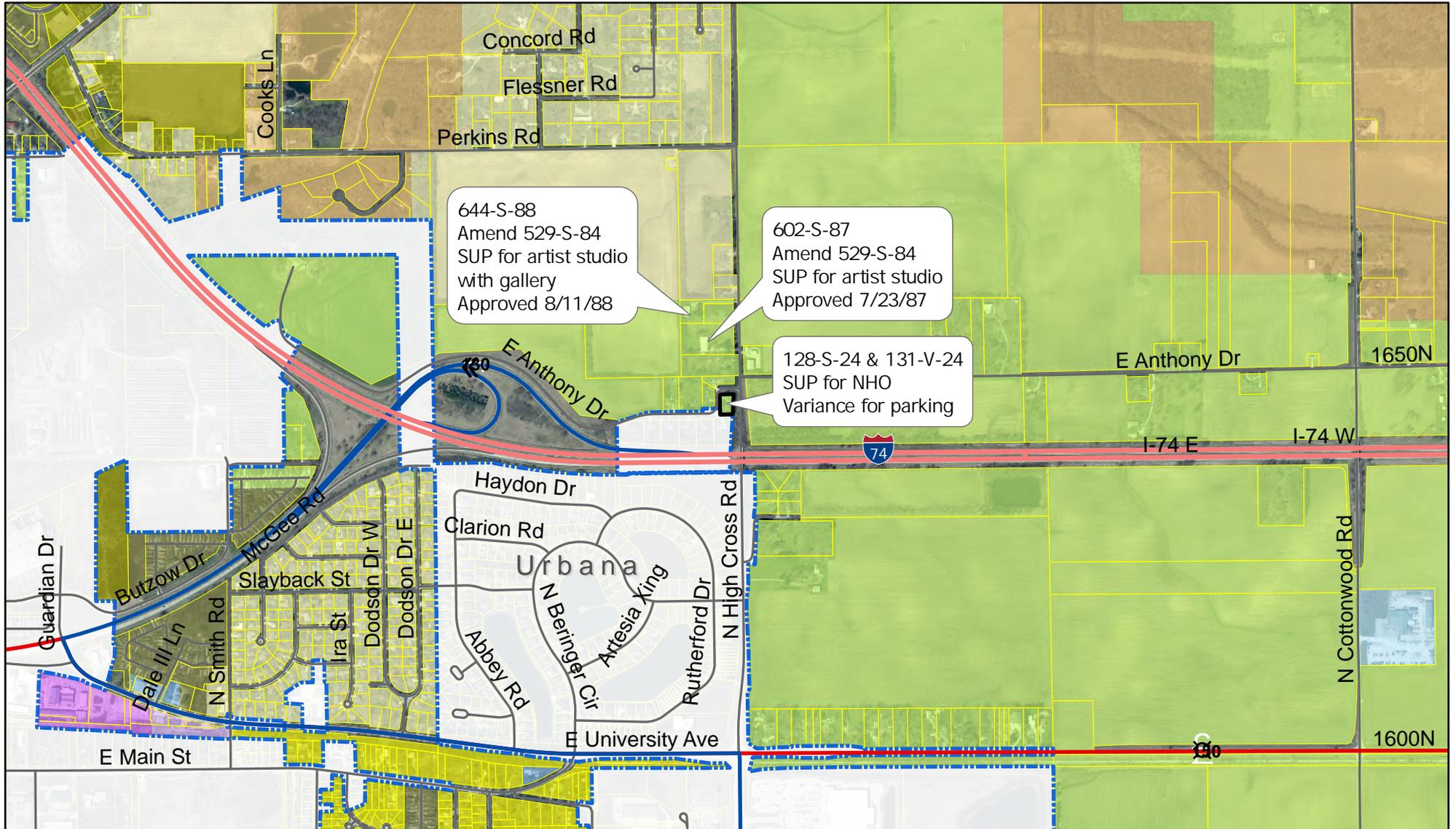
 Subject Property	 Agriculture	 Commercial
 Parcels	 Ag/Residential	 Industrial
	 Residential	 Tax Exempt



Champaign County  
Department of  
PLANNING &  
ZONING

# Zoning Map

Cases 128-S-24 & 131-V-24  
February 29, 2024



- |                            |                             |                            |                    |
|----------------------------|-----------------------------|----------------------------|--------------------|
| Municipal Boundary         | AG-2 Agriculture            | R-5 Manufactured Home Park | I-2 Heavy Industry |
| Subject Property           | R-1 Single Family Residence | B-1 Rural Trade Center     |                    |
| CR Conservation Recreation | R-2 Single Family Residence | B-2 Neighborhood Business  |                    |
| AG-1 Agriculture           | R-3 Multi-Family Residence  | I-1 Light Industry         |                    |

# Proposal 1: Vehicle parking location(s) (pink squares drawn)

## PLAT OF SURVEY

PART OF THE NORTHEAST QUARTER OF SECTION 10  
TOWNSHIP 19 NORTH, RANGE 9 EAST  
OF THE THIRD PRINCIPAL MERIDIAN  
CHAMPAIGN COUNTY, ILLINOIS

### DESCRIPTION

Per Warranty Deed recorded as Document Number 2023R14330 in the Champaign County Recorder's Office:

Part of the Southeast Quarter of the Northeast Quarter of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian, more particularly described as follows:

Commencing at the Northeast corner of Section 10, Township 19 North, Range 9 East of the Third Principal Meridian; thence South 00 degrees 52 minutes 31 seconds East along the East line of the Northeast Quarter of said Section 10, 2126.23 feet; thence South 89 degrees 36 minutes 00 seconds West, 55.00 feet to the Westerly right-of-way line of a public road for a true place of beginning; thence South 89 degrees 36 minutes 00 seconds West along the Southerly right-of-way line of a public road, 107.23 feet; thence South 00 degrees 24 minutes 00 seconds East along the Easterly right-of-way line of the public road, 175.50 feet; thence North 89 degrees 36 minutes 00 seconds East, 108.68 feet; thence North 00 degrees 52 minutes 31 seconds West along the Westerly right-of-way line of a public road, 175.50 feet to the place of beginning, situated in Champaign County, Illinois.



Expires 11/30/24

This professional service conforms to the current Illinois minimum standards for a boundary survey. Dimensions are shown in feet, tenths, and hundredths. Signed and dated in Paxton, Illinois, this 2nd day of November, 2023.

*Adam M. Boothe*

Adam M. Boothe  
Illinois Professional Land Surveyor No. 4029

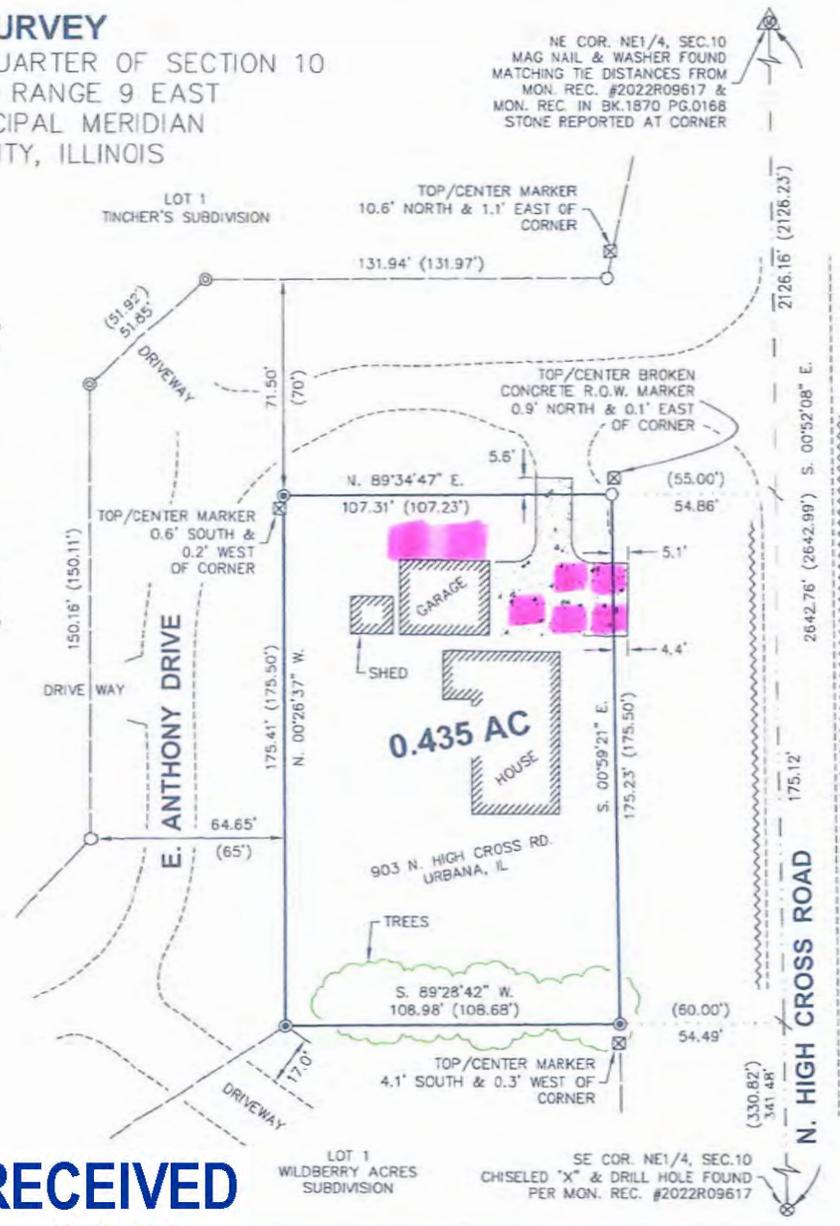
FATIMA SALAZAR #23030100 903 N HIGH CROSS RD.DWG

**RECEIVED**

JAN 9, 2024

CHAMPAIGN COUNTY  
PLANNING & ZONING

NE COR. NE1/4, SEC.10  
MAG NAIL & WASHER FOUND  
MATCHING TIE DISTANCES FROM  
MON. REC. #2022R09617 &  
MON. REC. IN BK.1870 PG.0168  
STONE REPORTED AT CORNER



### NOTES

1. Client Name: Fatima Salazar
2. Field Work Completion Date: October 26, 2023
3. Basis of Bearings: NAD 1983, Illinois State Plane Coordinate System (East Zone 1201)
4. Utilities and other improvements may exist in addition to the items shown on this survey.
5. REFERENCE: Wildberry Acres Subdivision, Recorded in Plat Book BB, Page 285

Tincher's Subdivision, Recorded as Doc. #1986R10202 in Plat Book AA, Page 36

Warranty Deed recorded as Doc. #2023R14330

### LEGEND

- ⊙ Iron Pipe Found with Alum. Cap Stamped "ILS 1470"
- ⊙ Iron Pipe Found with Aluminum Cap
- Iron Pipe (1/2")
- ⊗ Mag Nail and Washer
- ⊗ Chiseled "X" & Drill Hole
- △ Stone
- ⊗ Concrete Right-of-Way Marker
- 123.45' Measured Distance
- (123.45') Distance of Record
- Boundary of Surveyed Tract
- - - Section/Sub-Section Line
- ~ Tree Line
- - - Edge of Road Surface
- - - Right-of-Way Line
- ⋯ Tie Line
- ~ Guardrail
- ▭ Concrete Surface



DATE OF PREPARATION 11/02/23	PROJECT ID 23030100
<p><b>HARTKE</b> ENGINEERING AND SURVEYING, INC. 1075 E. 1ST AVE.   P.O. BOX 115   DEERFIELD, IL 60015 312.464.4444   FAX 312.464.4444</p>	SHEET NO.
	1
OF 1 SHEETS	
ILLINOIS PROFESSIONAL DESIGN FIRM NO. 184.008120	

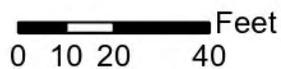
# 2023 Annotated Aerial

Cases 128-S-24 & 131-V-24

February 29, 2024



-  Subject Property
-  Parcels



Champaign County  
Department of  
PLANNING &  
ZONING

**Susan Burgstrom**

**From:** Roof Panther <roofpanther@gmail.com>  
**Sent:** Tuesday, January 16, 2024 5:48 PM  
**To:** Susan Burgstrom  
**Subject:** Re: Special Use Permit Application  
**Attachments:** Septic Tank-903NHighCrossRd.pdf

**RECEIVED**

**JAN 17 2024**

**CHAMPAIGN CO. P & Z DEPARTMENT**

**CAUTION:** External email, be careful when opening.

Good afternoon Ms. Burgstrom,

Thank you very much for the additional information! Please find answers to the requested information.

- We are attaching an aerial Google picture of our home. There is a septic tank lid on the front yard of the home. We are not aware of any other septic tanks on the property other than this particular one located in the front yard.
- We do have 1 part-time employee.
- Yes, only our 1 part-time employee leaves their vehicle at the property and uses the business vehicle for travel to job sites.

Please let me know if we can be of additional assistance.

Thank you!  
Fatima

On Fri, Jan 12, 2024 at 10:52 AM Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)> wrote:  
Hi Fatima,

Do you know where the septic field and tank are located on your property?

How many employees other than household members are there for the two businesses?

Do non-family employees come and pick up the business vehicles and leave their cars at your property while they are at jobs?

Thanks!  
Susan

**From:** Roof Panther <[roofpanther@gmail.com](mailto:roofpanther@gmail.com)>  
**Sent:** Thursday, January 11, 2024 2:47 PM  
**To:** Susan Burgstrom <[sburgstrom@co.champaign.il.us](mailto:sburgstrom@co.champaign.il.us)>  
**Subject:** Re: Special Use Permit Application

**CAUTION:** External email, be careful when opening.

Hello Ms. Burgstrom,

Thank you for your prompt response. Yes, that date and time works for us.



E Anthony Dr

E Anthony Dr

E Anthony Dr

E Anthony Dr

905

Septic Tank Lid

Google

### 128-S-24 & 131-V-24 Site Images



**From Anthony Drive facing south to subject property**



**From Anthony Drive facing SE to subject property**

### 128-S-24 & 131-V-24 Site Images



**From Anthony Drive facing east to subject property**



**From adjacent driveway to south facing NE to subject property**

**PRELIMINARY DRAFT**

**128-S-24 & 131-V-24**

**SUMMARY OF EVIDENCE, FINDING OF FACT  
AND FINAL DETERMINATION**

**of  
Champaign County Zoning Board of Appeals**

Final Determination: *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS/ DENIED}*

Date: *{February 29, 2024}*

Petitioners: **Fatima Salazar and Pedro Palzan, d.b.a.  
Roof Panther and K2 Builders LLC**

Request: **Case 128-S-24  
Authorize a Special Use Permit for a Neighborhood Home Occupation that exceeds the maximum allowed number of vehicles in the AG-2 Agriculture Zoning District, per Section 7.1.1. of the Zoning Ordinance, subject to the proposed variance in Case 131-V-24.**

**Case 131-V-24  
Authorize a Variance for a Neighborhood Home Occupation with parking that is 0 feet from the front lot line and side lot lines in lieu of the minimum required 10 feet from the front lot line and 5 feet from the side lot lines in the AG-2 Agriculture Zoning District, per Section 7.4.1 A.3. of the Zoning Ordinance.**

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**PRELIMINARY DRAFT****SUMMARY OF EVIDENCE**

From the documents of record and the testimony and exhibits received at the public hearing conducted on **February 29, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. Petitioners Fatima Salazar and Pedro Palzan own the subject property and are owners of Roof Panther and K2 Builders LLC. They are the sole officers and shareholders in these businesses.
2. The subject property is a 0.43-acre lot in the Southeast Quarter of the Northeast Quarter of Section 10, Township 19 North Range 9 East of the Third Principal Meridian in Urbana Township, commonly known as the residence with an address of 903 North High Cross Road, Urbana.
3. Regarding municipal extraterritorial jurisdiction and township planning jurisdiction:
  - A. The subject property is located within the one and one-half mile extraterritorial of the City of Urbana, a municipality with zoning. Municipalities with zoning do not have protest rights on a Special Use but are notified of such cases.
  - B. The subject property is located in Urbana Township, which does not have a Plan Commission.

**GENERALLY REGARDING LAND USE AND ZONING IN THE IMMEDIATE VICINITY**

4. Land use and zoning on the subject property and in the vicinity adjacent to the subject property are as follows:
  - A. The 0.43-acre subject property is zoned AG-2 Agriculture and is residential in use with two home-based businesses.
    - (1) The home-based businesses are considered Neighborhood Home Occupations (NHO), but the businesses exceed what would be allowed in an NHO and require a Special Use Permit.
  - B. Land to the north, west, and east of the subject property is zoned AG-2 Agriculture. There are residences to the north and west and a tree farm to the east.
  - C. Land to the south of the subject property on the south side of I-74 is in the City of Urbana and is zoned R-2 Single-Family Residential and is residential in use.

**GENERALLY REGARDING THE PROPOSED SPECIAL USE**

5. Regarding the site plan and operations of the proposed Special Use:
  - A. The Site Plan received January 9, 2024, includes the following existing and proposed features:
    - (1) Existing features include:
      - a. One 2,604 square feet residence built prior to approval of the Zoning Ordinance on October 10, 1973;
        - (a) The petitioners are currently constructing additions to the house per approved Zoning Use Permit 312-23-02, so the total square footage of the house will be 3,924 square feet.

**PRELIMINARY DRAFT****Cases 128-S-24 & 131-V-24**

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- b. One 22 feet by 24 feet (528 square feet) detached garage built prior to approval of the Zoning Ordinance on October 10, 1973, located northwest of the house;
  - c. Parking area for their company and personal vehicles.
- B. Regarding operations of the two home-based businesses K-2 Builders and Roofing Panther:
- (1) The petitioners stated on their Special Use Permit application, **“The home is used as a residential home by the owners of K2 Builders LLC and Roof Panther. Both of these businesses bring exterior services (ie. Roofing replacement, siding replacement, windows/doors replacements, gutters replacement, additions, decks, etc.) to customers’ homes and the work/projects are performed at the customers’ homes. The home is not a location open to the public and consultations and appointments with customers’ take place at customers’ homes. Due to K2 Builders LLC and Roof Panther being small businesses that are family-owned and local and due to the current economy, the special use request is essential. Tools and equipment are stored in the garage and the driveway is used to park company vehicles. Our businesses have experienced growth thanks to the support from the community, but we understand that more growth is needed to be able to have a commercial location for the 2 companies. We are working toward being able to have a separate commercial location for the 2 companies, but for the time being, we would appreciate being able to be granted the special use for the time being while we accomplish the commercial space goal.”**
  - (2) The petitioners stated on their Neighborhood Home Occupation application that they have four commercial vehicles and three trailers used for the businesses.
  - (3) In an email received January 17, 2024, the petitioner stated the following:
    - a. The septic tank is located to the east of the house.
    - b. They have one part-time employee who leaves their vehicle on the subject property and uses a business vehicle for travel to job sites.
  - (4) In a phone call with P&Z Staff on February 13, 2024, the petitioners stated the following:
    - a. If an employee arrives at their house, it is usually around 7:30 a.m. and they return from the worksite around 5:00 p.m.
    - b. They plan to eventually hire more employees. A special condition has been added if they increase beyond the one they currently have.
- C. There is one previous Zoning Use Permit for the subject property:
- (1) ZUPA #312-23-02 was approved on November 17, 2023, to construct two additions to the existing residence.
- D. There are no previous zoning cases for the subject property.

**PRELIMINARY DRAFT**

- E. The required variance is as follows:
- (1) Authorize a Variance for a Neighborhood Home Occupation with parking that is 0 feet from the front lot line and side lot lines in lieu of the minimum required 10 feet from the front lot line and 5 feet from the side lot lines in the AG-2 Agriculture Zoning District, per Section 7.4.1 A.3. of the Zoning Ordinance.

**GENERALLY REGARDING SPECIFIC ORDINANCE REQUIREMENTS**

6. Regarding authorization for a Neighborhood Home Occupation in the AG-2 Agriculture Zoning DISTRICT in the *Zoning Ordinance*:
  - A. The following definitions from the *Zoning Ordinance* are especially relevant to the requested Special Use Permit (capitalized words are defined in the Ordinance):
    - (1) “ACCESSORY USE” is a USE on the same LOT customarily incidental and subordinate to the main or principal USE or MAIN or PRINCIPAL STRUCTURE.
    - (2) “HOME OCCUPATION, NEIGHBORHOOD” is any activity conducted for gain or support by a member or members of the immediate FAMILY, residing on the premises, as an ACCESSORY USE entirely within the resident’s DWELLING UNIT or ACCESSORY BUILDING not exclusively devoted to such activity.
    - (3) “LOT” is a designated parcel, tract or area of land established by PLAT, SUBDIVISION or as otherwise permitted by law, to be used, developed or built upon as a unit.
    - (4) “LOT LINE, FRONT” is a line dividing a LOT from a STREET or easement of ACCESS. On a CORNER LOT or a LOT otherwise abutting more than one STREET or easement of ACCESS only one such LOT LINE shall be deemed the FRONT LOT LINE.
    - (5) “OPERATIONS” are processing, assembly, fabrication, or handling of materials or products or movement of bulk materials or products not in containers or pipelines.
    - (6) “PARKING SPACE” is a space ACCESSORY to a USE or STRUCTURE for the parking of one vehicle.
    - (7) “RIGHT-OF-WAY” is the entire dedicated tract or strip of land that is to be used by the public for circulation and service.
    - (8) “SPECIAL CONDITION” is a condition for the establishment of a SPECIAL USE.
    - (9) “SPECIAL USE” is a USE which may be permitted in a DISTRICT pursuant to, and in compliance with, procedures specified herein.
    - (10) “STORAGE” is the presence of equipment, or raw materials or finished goods (packaged or bulk) including goods to be salvaged and items awaiting maintenance or repair and excluding the parking of operable vehicles.
    - (11) “STREET” is a thoroughfare dedicated to the public within a RIGHT-OF-WAY which affords the principal means of ACCESS to abutting PROPERTY. A STREET may be designated as an avenue, a boulevard, a drive, a highway, a lane, a parkway, a

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place, a road, a thoroughfare, or by other appropriate names. **STREETS** are identified on the Official Zoning Map according to type of **USE**, and generally as follows:

- (a) **MAJOR STREET**: Federal or State highways.
- (b) **COLLECTOR STREET**: **COUNTY** highways and urban arterial **STREETS**.
- (c) **MINOR STREET**: Township roads and other local roads.

- (12) “**SUITED OVERALL**” is a discretionary review performance standard to describe the site on which a development is proposed. A site may be found to be **SUITED OVERALL** if the site meets these criteria:
  - a. The site features or site location will not detract from the proposed use;
  - b. The site will not create a risk to health, safety or property of the occupants, the neighbors or the general public;
  - c. The site is not clearly inadequate in one respect even if it is acceptable in other respects;
  - d. Necessary infrastructure is in place or provided by the proposed development; and
  - e. Available public services are adequate to support the proposed development effectively and safely.
- (13) “**USE**” is the specific purpose for which land, a **STRUCTURE** or **PREMISES**, is designed, arranged, intended, or for which it is or may be occupied or maintained. The term “permitted **USE**” or its equivalent shall not be deemed to include any **NONCONFORMING USE**.
- (14) “**VARIANCE**” is a deviation from the regulations or standards adopted by this ordinance which the Hearing Officer or the Zoning **BOARD** of Appeals are permitted to grant.

**B.** Subsection 6.1 contains standard conditions that apply to all **SPECIAL USES**, standard conditions that may apply to all **SPECIAL USES**, and standard conditions for specific types of **SPECIAL USES**. Relevant requirements from Subsection 6.1 are as follows:

- (1) Paragraph 6.1.2 A. indicates that all Special Use Permits with exterior lighting shall be required to minimize glare on adjacent properties and roadways by the following means:
  - a. All exterior light fixtures shall be full-cutoff type lighting fixtures and shall be located and installed so as to minimize glare and light trespass. Full cutoff means that the lighting fixture emits no light above the horizontal plane.
  - b. No lamp shall be greater than 250 watts and the Board may require smaller lamps when necessary.
  - c. Locations and numbers of fixtures shall be indicated on the site plan (including floor plans and building elevations) approved by the Board.
  - d. The Board may also require conditions regarding the hours of operation and other conditions for outdoor recreational uses and other large outdoor lighting installations.

**PRELIMINARY DRAFT**

- e. The Zoning Administrator shall not approve a Zoning Use Permit without the manufacturer's documentation of the full-cutoff feature for all exterior light fixtures.
- C. Subsection 7.1.1 establishes the parameters of Neighborhood Home Occupations. The following paragraphs are relevant to this case:
- (1) 7.1.1 A. states, "No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m."
  - (2) 7.1.1 K. states, "No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION."
  - (2) 7.1.1 L. states, "All NEIGHBORHOOD HOME OCCUPATIONS that exceed any of the standards in paragraphs 7.1.1A. through K. may be authorized by SPECIAL USE Permit provided as follows: 1. The USE is not a prohibited activity in paragraph 7.1.1I. 2. The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING."
- D. Paragraph 9.1.9 D. of the Zoning Ordinance requires the ZBA to make the following findings for a variance:
- (1) That the requirements of Paragraph 9.1.9 C. have been met and justify granting the variance. Paragraph 9.1.9 C. of the Zoning Ordinance states that a variance from the terms of the Champaign County Zoning Ordinance shall not be granted by the Board or the hearing officer unless a written application for a variance is submitted demonstrating all of the following:
    - a. That special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district.
    - b. That practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot.
    - c. That the special conditions, circumstances, hardships, or practical difficulties do not result from actions of the Applicant.
    - d. That the granting of the variance is in harmony with the general purpose and intent of the Ordinance.
    - e. That the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare.
  - (2) That the variance is the minimum variation that will make possible the reasonable use of the land or structure, as required by subparagraph 9.1.9 D.2.

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- E. Section 9.1.11 requires that a Special Use Permit shall not be granted by the Zoning Board of Appeals unless the public hearing record and written application demonstrate the following:
- (1) That the Special Use is necessary for the public convenience at that location;
  - (2) That the Special Use is so designed, located, and proposed as to be operated so that it will not be injurious to the DISTRICT in which it shall be located or otherwise detrimental to the public welfare except that in the CR, AG-1, and AG-2 DISTRICTS the following additional criteria shall apply:
    - a. The property is either BEST PRIME FARMLAND and the property with proposed improvements in WELL SUITED OVERALL or the property is not BEST PRIME FARMLAND and the property with proposed improvements is SUITED OVERALL.
    - b. The existing public services are available to support the proposed SPECIAL USE effectively and safely without undue public expense.
    - c. The existing public infrastructure together with proposed improvements is adequate to support the proposed development effectively and safely without undue public expense.
  - (3) That the Special Use conforms to the applicable regulations and standards of and preserves the essential character of the DISTRICT in which it shall be located, except where such regulations and standards are modified by Section 6.
  - (4) That the Special Use is in harmony with the general purpose and intent of this ordinance.
  - (5) That in the case of an existing NONCONFORMING USE, it will make such USE more compatible with its surroundings.
- F. Paragraph 9.1.11.D.2. states that in granting any SPECIAL USE permit, the BOARD may prescribe SPECIAL CONDITIONS as to appropriate conditions and safeguards in conformity with the Ordinance. Violation of such SPECIAL CONDITIONS when made a party of the terms under which the SPECIAL USE permit is granted, shall be deemed a violation of this Ordinance and punishable under this Ordinance.
- G. Regarding the requested variance:
- (1) Minimum distance from the FRONT LOT LINE for parking is established in part 7.4.1 A.3.a. of the Zoning Ordinance as 10 feet.
  - (2) Minimum distance from the side LOT LINE for parking is established in part 7.4.1 A.3.b. of the Zoning Ordinance as 5 feet.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS NECESSARY FOR THE PUBLIC CONVENIENCE AT THIS LOCATION**

7. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use is necessary for the public convenience at this location:

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- A. The Petitioner has testified on the application, **“We are a small and family-owned company focused on providing quality exterior services at a fair price to our community. We are able to offer fair prices due to no current overhead costs regarding a commercial location for our 2 companies. Although our companies have experienced growth, we are not in a position financially to be able to have a commercial location at this time.”**
- B. NEIGHBORHOOD HOME OCCUPATIONS are authorized by right in all Zoning DISTRICTS as ACCESSORY USES per the requirements established in Section 7.1.1 of the Zoning Ordinance.
- C. The petitioners are currently not in a financial position to establish their businesses in a separate location.

**GENERALLY REGARDING WHETHER THE SPECIAL USE WILL BE INJURIOUS TO THE DISTRICT OR OTHERWISE INJURIOUS TO THE PUBLIC WELFARE**

- 8. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use be designed, located, and operated so that it will not be injurious to the District in which it shall be located, or otherwise detrimental to the public welfare:
  - A. The Petitioner has testified on the application: **“The proposed special use requests would not be detrimental to the public welfare if approved. We are working with the County office to ensure all regulations are being adhered to. Public rights of way and roads are not blocked or hindered by having equipment/tool/vehicle storage at the residence. Property is located outside city limits and has ample space.”**
  - B. Regarding surface drainage:
    - (1) The subject property is relatively flat. During the site visit on a rainy day, there was ponded water in the road ditches on the north, west, and east surrounding the subject property.
  - C. Regarding traffic in the subject property area:
    - (1) Anthony Drive at this location is a two-lane township road that is approximately 20 feet wide.
    - (2) The Illinois Department of Transportation measures traffic on various roads throughout the County and determines the annual average 24-hour traffic volume for those roads and reports it as Average Daily Traffic (ADT). The most recent ADT data is from 2021 near the subject property. North High Cross Road had an ADT of 3,150 adjacent to the subject property. Anthony Drive did not have a traffic count at that location.
    - (3) The Urbana Township Road Commissioner has been notified of this case and no comments have been received.
  - D. Regarding fire protection on the subject property, the subject property is located approximately 1.6 road miles northeast of the Carroll Fire Protection District station on

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Brownfield Road in Urbana. The Fire Chief was notified of this case and no comments have been received.

- E. No part of the subject property is located within a mapped floodplain.
- F. The subject property is BEST PRIME FARMLAND, although it was developed as a residential use over 50 years ago. The soil on the subject property consists of 171B Catlin silt loam and 233B Birkbeck silt loam and has an average LE of 87.
  - (1) Even though the average LE Score is less than 91, there is at least 10% that is in agricultural value groups 1 through 4, and therefore the soil is considered BEST PRIME FARMLAND.
- G. Regarding outdoor lighting on the subject property:
  - (1) Outdoor lighting was not indicated on the Site Plan received January 9, 2024. A special condition has been added regarding any future outdoor lighting for the Special Use Permit area.
- H. Regarding wastewater treatment and disposal on the subject property:
  - (1) There is an existing septic system for the residence located east of the house.
  - (2) No new septic system is proposed for the businesses.
- I. Regarding public comments, the P&Z Department received a complaint in January 2024 of there being too many business-related vehicles and trailers on the subject property.
- J. Other than as reviewed in this Summary of Evidence, there is no evidence to suggest that the proposed Special Use will generate either nuisance conditions such as odor, noise, vibration, glare, heat, dust, electromagnetic fields or public safety hazards such as fire, explosion, or toxic materials release, that are in excess of those lawfully permitted and customarily associated with other uses permitted in the zoning district.

***GENERALLY REGARDING WHETHER THE SPECIAL USE CONFORMS TO APPLICABLE REGULATIONS AND STANDARDS AND PRESERVES THE ESSENTIAL CHARACTER OF THE DISTRICT***

- 9. Generally regarding the *Zoning Ordinance* requirement that the proposed Special Use conform to all applicable regulations and standards and preserve the essential character of the District in which it shall be located, except where such regulations and standards are modified by Section 6 of the Ordinance:
  - A. The Petitioner has testified on the application: **“We are working with the County to ensure the residence is in compliance with ordinances; a shed will be moved so that it meets the location requirements and this special use application is being submitted so that we are in compliance with all ordinances.”**
  - B. Regarding compliance with the *Zoning Ordinance*:
    - (1) NEIGHBORHOOD HOME OCCUPATIONS are authorized by right in all Zoning DISTRICTS as ACCESSORY USES per the requirements established in Section 7.1.1 of the *Zoning Ordinance*.

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- (2) Paragraph 7.1.1 A. states, “No more than one employee, in addition to family members, shall be present on the premises at any one time. No employees shall be present on the premises earlier than 8:00 a.m. or later than 6:00 p.m.”
- a. In an email received January 17, 2024, the petitioner stated that they have one part-time employee who leaves their vehicle on the subject property and uses a business vehicle for travel to job sites.
  - b. In a phone call received February 13, 2024, the petitioner stated they plan to eventually hire more employees.
- (3) Paragraph 7.1.1 K. states, “No more than one commercial vehicle less than or equal to 36,000 pounds gross vehicle weight and no more than 25 feet in length shall be permitted on LOTS located in a residential zoning district as part of the NEIGHBORHOOD HOME OCCUPATION.”
- a. There is a loophole in the Zoning Ordinance regarding the limit on vehicles for a NEIGHBORHOOD HOME OCCUPATION that is not in a residential DISTRICT. The Zoning Administrator has opted to apply the residential DISTRICT standard to NEIGHBORHOOD HOME OCCUPATIONS in the rural DISTRICTS.
  - b. A RURAL HOME OCCUPATION at this location would also need a SPECIAL USE Permit because it is too close to a Residential DISTRICT (Beringer Commons).
- (4) Paragraph 7.1.1 L. states, “All NEIGHBORHOOD HOME OCCUPATIONS that exceed any of the standards in paragraphs 7.1.1A. through K. may be authorized by SPECIAL USE Permit provided as follows: 1. The USE is not a prohibited activity in paragraph 7.1.1I. 2. The DWELLING on the subject property shall remain the principal USE and the PRINCIPAL BUILDING on the property and the HOME OCCUPATION shall always be an ACCESSORY USE and any building devoted to the HOME OCCUPATION shall be an ACCESSORY BUILDING.”
- a. The businesses on the subject property exceed the permitted number of vehicles for a NEIGHBORHOOD HOME OCCUPATION and therefore require a SPECIAL USE Permit.
- C. Regarding compliance with the *Storm Water Management and Erosion Control Ordinance*: the proposed project is exempt from the SWMEC ordinance because the land disturbance is less than 10,000 square feet.
- D. Regarding the *Special Flood Hazard Areas Ordinance*, no portion of the subject property is located within the mapped floodplain.
- E. Regarding the *Subdivision Regulations*, the subject property is located in the City of Urbana’s subdivision jurisdiction and the subject property is in compliance.
- (1) The lot was created prior to the City of Urbana adopting its Subdivision Ordinance.
- F. Regarding the requirement that the Special Use preserve the essential character of the AG-2 Agriculture Zoning District:

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- (1) NEIGHBORHOOD HOME OCCUPATIONS are authorized by right in all Zoning DISTRICTS as ACCESSORY USES per the requirements established in Section 7.1.1 of the Zoning Ordinance.
- G. The proposed Special Use must comply with the Illinois Accessibility Code, which is not a County ordinance or policy and the County cannot provide any flexibility regarding that Code. A Zoning Use Permit cannot be issued for any part of the proposed Special Use until full compliance with the Illinois Accessibility Code has been indicated in drawings.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE**

10. Regarding the *Zoning Ordinance* requirement that the proposed Special Use be in harmony with the general intent and purpose of the Ordinance:
- A. NEIGHBORHOOD HOME OCCUPATIONS are authorized by right in all Zoning DISTRICTS as ACCESSORY USES per the requirements established in Section 7.1.1 of the Zoning Ordinance.
- B. Regarding whether the proposed Special Use Permit is in harmony with the general intent of the Zoning Ordinance:
- (1) Subsection 5.1.2 of the Ordinance states, “The AG-2 Agriculture DISTRICT is intended to prevent scattered indiscriminate urban development and to preserve the AGRICULTURAL nature within areas which are predominately vacant and which presently do not demonstrate any significant potential for development. This DISTRICT is intended generally for application to areas within one and one-half miles of existing communities in the COUNTY.”
- (2) The types of uses authorized in the AG-2 District are in fact the types of uses that have been determined to be acceptable in the AG-2 District. Uses authorized by Special Use Permit are acceptable uses in the district provided that they are determined by the ZBA to meet the criteria for Special Use Permits established in paragraph 9.1.11 B. of the Ordinance.
- C. Regarding whether the proposed Special Use Permit is in harmony with the general purpose of the Zoning Ordinance:
- (1) Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.
- This purpose is directly related to the limits on building coverage and the minimum yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those requirements.
- (2) Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.
- a. It is not clear whether the proposed special use will have any impact on the value of nearby properties without a formal real estate appraisal, which has

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not been requested nor provided, and so any discussion of values is necessarily general.

- b. The proposed Special Use could only have an effect on the value of real estate in the immediate vicinity. Regarding the effect on the value of real estate in the immediate vicinity other than the subject property, no new construction is anticipated for the proposed Special Use, so adjacent property values should not be impacted.

- (3) Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

No significant increase in traffic is anticipated from the proposed Special Use.

- (4) Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters.

- a. No new construction is planned for the proposed Special Use.

- b. The subject property is exempt from the Champaign County *Storm Water Management and Erosion Control Ordinance*.

- (5) Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

- a. Regarding public safety, this purpose is similar to the purpose established in paragraph 2.0 (a) and is in harmony to the same degree.

- b. Regarding public comfort and general welfare, this purpose is similar to the purpose of conserving property values established in paragraph 2.0 (b) and is in harmony to the same degree.

- c. A complaint was received in January 2024 regarding too many business-related vehicles and trailers on the subject property.

- d. Notice of this case was sent to neighbors, and no comments have been received.

- (6) Paragraph 2.0 (f) states that one purpose of the Ordinance is regulating and limiting the height and bulk of BUILDINGS and STRUCTURES hereafter to be erected; and paragraph 2.0 (g) states that one purpose is establishing, regulating, and limiting the BUILDING or SETBACK lines on or along any STREET, trafficway, drive or parkway; and paragraph 2.0 (h) states that one purpose is regulating and limiting the intensity of the USE of LOT AREAS, and regulating and determining the area of OPEN SPACES within and surrounding BUILDINGS and STRUCTURES.

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These three purposes are directly related to the limits on building height and building coverage and the minimum setback and yard requirements in the Ordinance and the proposed site plan appears to be in compliance with those limits.

- (7) Paragraph 2.0 (i) of the Ordinance states that one purpose of the Ordinance is classifying, regulating, and restricting the location of trades and industries and the location of BUILDINGS, STRUCTURES, and land designed for specified industrial, residential, and other land USES; and paragraph 2.0 (j.) states that one purpose is dividing the entire COUNTY into DISTRICTS of such number, shape, area, and such different classes according to the USE of land, BUILDINGS, and STRUCTURES, intensity of the USE of LOT AREA, area of OPEN SPACES, and other classification as may be deemed best suited to carry out the purpose of the ordinance; and paragraph 2.0 (k) states that one purpose is fixing regulations and standards to which BUILDINGS, STRUCTURES, or USES therein shall conform; and paragraph 2.0 (l) states that one purpose is prohibiting USES, BUILDINGS, OR STRUCTURES incompatible with the character of such DISTRICT.

Harmony with these four purposes requires that the special conditions of approval sufficiently mitigate or minimize any incompatibilities between the proposed Special Use Permit and adjacent uses, and that the special conditions adequately mitigate any problematic conditions.

- (8) Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

This purpose is directly related to maintaining compliance with the Zoning Ordinance requirements for the District and the specific types of uses and the proposed Special Use will have to be conducted in compliance with those requirements.

- (9) Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.
- a. The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.
  - b. The proposed Special Use will not take any land out of agricultural production.
- (10) Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The subject property does not contain any natural features.

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- (11) Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed Special Use does not meet the definition of either “urban development” or “urban land use” as defined in the Appendix to Volume 2 of the Champaign County Land Resource Management Plan.

- (12) Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.
- a. The residence has been at this property since at least 1973.
  - b. The proposed Special Use will not take any land out of agricultural production.
  - c. The subject property is within one and one-half miles of existing communities, following the general intent of the AG-2 District.

- (13) Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed Special Use will not hinder the development of renewable energy sources.

**GENERALLY REGARDING WHETHER THE SPECIAL USE IS AN EXISTING NONCONFORMING USE**

11. Regarding the *Zoning Ordinance* requirement that in the case of an existing NONCONFORMING USE the granting of the Special Use Permit will make the use more compatible with its surroundings:
- A. The Petitioner has testified on the application: **“Yes, the Special Use approval will make the residence more compliant and compatible with its surroundings.”**
  - B. The existing use on the property is not a nonconforming use.

**RELATED TO THE VARIANCE, GENERALLY REGARDING SPECIAL CONDITIONS THAT MAY BE PRESENT**

12. Generally regarding the Zoning Ordinance requirement of a finding that special conditions and circumstances exist which are peculiar to the land or structure involved that are not applicable to other similarly situated land or structures elsewhere in the same district:
- A. The Petitioner has testified on the application, **“The property has extensive rights-of-way on the north, east, and west sides. The driveway that extends 5 feet over the east property line was built before we purchased the property.”**

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- B. Regarding the variance for parking closer to the lot lines: the existing paved parking area extends over the north and east lot lines and the petitioners want to maximize use of this area.

***RELATED TO THE VARIANCE, GENERALLY REGARDING ANY PRACTICAL DIFFICULTIES OR HARDSHIPS RELATED TO CARRYING OUT THE STRICT LETTER OF THE ORDINANCE***

13. Generally regarding the Zoning Ordinance requirement of a finding that practical difficulties or hardships related to carrying out the strict letter of the regulations sought to be varied prevent reasonable and otherwise permitted use of the land or structures or construction on the lot:
- A. The Petitioner has testified on the application, **“The ordinance requires all parking to be located on the same lot as the use served. The available parking area on our lot is limited.”**
- B. Regarding the variance for parking closer to the lot lines: without the proposed variance, the petitioners would have to make a parking area on their west lawn, which currently has no pavement like the existing parking area does.

***RELATED TO THE VARIANCE, GENERALLY PERTAINING TO WHETHER OR NOT THE PRACTICAL DIFFICULTIES OR HARDSHIPS RESULT FROM THE ACTIONS OF THE APPLICANT***

14. Generally regarding the Zoning Ordinance requirement for a finding that the special conditions, circumstances, hardships, or practical difficulties do not result from the actions of the Applicant:
- A. The Petitioner has testified on the application, **“We were unaware of the parking requirements.”**
- B. The petitioners were unaware of the parking regulations.

***GENERALLY PERTAINING TO WHETHER OR NOT THE VARIANCE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ORDINANCE***

15. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance is in harmony with the general purpose and intent of the Ordinance:
- A. The Petitioner has testified on the application, **“Our vehicles do not block the road. There is adequate light and air, and where we park our vehicles does not impact safety from fires.”**
- B. Regarding the variance for parking closer to the lot lines: the requested variance for parking 0 feet from the front lot line in lieu of 10 feet is 0% of the minimum required, for a variance of 100%, and the requested variance for parking 0 feet from the side lot lines in lieu of 5 feet is 0% of the minimum required, for a variance of 100%.
- C. Regarding the parking setback from the front lot line: the Zoning Ordinance does not clearly state the considerations that underlie prohibiting parking within 10 feet of the front property line. Presumably the parking regulation is intended to ensure the following:
- (1) Safer access to and from the property for both road users and clients. Anthony Drive has an unusually wide 70 foot right-of-way, so the petitioners and road users can safely maneuver.

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- (2) Adequate room for infrastructure maintenance and expansion. There are no known plans to expand or widen adjacent roads.

**GENERALLY PERTAINING TO THE EFFECTS OF THE REQUESTED VARIANCE ON THE NEIGHBORHOOD AND THE PUBLIC HEALTH, SAFETY, AND WELFARE**

- 16. Generally regarding the Zoning Ordinance requirement for a finding that the granting of the variance will not be injurious to the neighborhood, or otherwise detrimental to the public health, safety, or welfare:
  - A. The Petitioner has testified on the application, **“There are wide rights-of-way to allow emergency responders through, and our vehicles do not block traffic.”**
  - B. The Urbana Township Road Commissioner has been notified of this variance and no comments have been received.
  - C. The Carroll Fire Protection District has been notified of this variance and no comments have been received.

**GENERALLY REGARDING ANY OTHER JUSTIFICATION FOR THE VARIANCE**

- 17. Generally regarding any other circumstances that justify the Variance:
  - A. The Petitioner did not provide a response on the application.

**GENERALLY REGARDING PROPOSED SPECIAL CONDITIONS OF APPROVAL**

- 18. Regarding proposed special conditions of approval:
  - A. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

**That the proposed uses are in compliance with the Zoning Ordinance.**

- B. **Should the number of non-family employees for both Neighborhood Home Occupations exceed one, the petitioner must either:**
  - (1) **apply for a new Special Use Permit, or**
  - (2) **ensure that only one employee parks at the subject property and other employees meet at work sites.**

The special condition stated above is required to ensure the following:

**That the Neighborhood Home Occupations comply with Zoning Ordinance requirements.**

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**DOCUMENTS OF RECORD**

1. Application for Special Use Permit received January 9, 2024, with attachments:
  - Site Plan: Proposed parking areas for business vehicles
  - Plat of Survey by Hartke Engineering
2. Application for Variance received February 9, 2024
3. Email from Fatima Salazar received January 17, 2024, with attachment: map with septic tank location
4. Preliminary Memorandum dated February 21, 2024, with attachments:
  - A Case Maps (Location, Land Use, Zoning)
  - B Site Plan received January 9, 2024
  - C 2023 Annotated Aerial created by P&Z Staff
  - D Email from Fatima Salazar received January 17, 2024, with attachment: map with septic tank location
  - E Site Visit Photos taken January 12, 2024
  - F Preliminary Summary of Evidence, Finding of Fact, and Final Determination dated February 29, 2024

**FINDINGS OF FACT**

From the documents of record and the testimony and exhibits received at the public hearing for zoning cases **128-S-24 and 131-V-24** held on **February 29, 2024**, the Zoning Board of Appeals of Champaign County finds that:

1. *The requested Special Use Permit {IS / IS NOT} necessary for the public convenience at this location because:*
  - a. *Neighborhood Home Occupations are authorized by right in all Zoning Districts as accessory uses per the requirements established in Section 7.1.1 of the Zoning Ordinance.*
  - b. *The petitioners are currently not in a financial position to establish their businesses in a separate location.*
  
2. *The requested Special Use Permit {SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} is so designed, located, and proposed to be operated so that it {WILL NOT / WILL} be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare because:*
  - a. *The street has {ADEQUATE / INADEQUATE} traffic capacity and the entrance location has {ADEQUATE / INADEQUATE} visibility.*
  - b. *Emergency services availability is {ADEQUATE / INADEQUATE} {because\*}: the Carroll Fire Station is 1.6 road miles from the subject property.*
  - c. *The Special Use {WILL / WILL NOT} be compatible with adjacent uses {because\*}:*
    - a. *Notices regarding this case were sent to neighbors and no comments have been received.*
    - b. *No complaints have been received since the petitioners established their businesses on the subject property.*
  - d. *Surface and subsurface drainage will be {ADEQUATE / INADEQUATE} {because\*}: there is no additional impervious area being created that would affect drainage.*
  - e. *Public safety will be {ADEQUATE / INADEQUATE} {because\*}: relevant jurisdictions have been notified of this case, and no comments have been received.*
  - f. *The provisions for parking will be {ADEQUATE / INADEQUATE} {because\*}:*
    - a. *There is sufficient area for parking onsite.*
  - g. *The property {IS/IS NOT} WELL SUITED OVERALL for the proposed improvements {because\*}: no new construction is proposed for the businesses.*
  - h. *Existing public services {ARE/ARE NOT} available to support the proposed SPECIAL USE without undue public expense {because\*}: no new public services are required for the proposed Special Use.*
  - i. *Existing public infrastructure together with the proposed development {IS/IS NOT} adequate to support the proposed development effectively and safely without undue public*

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expense *{because\*}*: ***no new public infrastructure is required for the proposed Special Use.***

*(Note the Board may include other relevant considerations as necessary or desirable in each case.)*

\*The Board may include additional justification if desired, but it is not required.

- 3a. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** conform to the applicable regulations and standards of the DISTRICT in which it is located.
- 3b. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located because:
  - a. The Special Use will be designed to ***{CONFORM / NOT CONFORM}*** to all relevant County ordinances and codes.
  - b. The Special Use ***{WILL / WILL NOT}*** be compatible with adjacent uses.
  - c. Public safety will be ***{ADEQUATE / INADEQUATE}***.
4. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {IS / IS NOT}*** in harmony with the general purpose and intent of the Ordinance because:
  - a. The Special Use is authorized in the District.
  - b. The requested Special Use Permit ***{IS/ IS NOT}*** necessary for the public convenience at this location.
  - c. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN}*** is so designed, located, and proposed to be operated so that it ***{WILL / WILL NOT}*** be injurious to the district in which it shall be located or otherwise detrimental to the public health, safety, and welfare.
  - d. The requested Special Use Permit ***{SUBJECT TO THE SPECIAL CONDITIONS IMPOSED HEREIN} {DOES / DOES NOT}*** preserve the essential character of the DISTRICT in which it is located.
5. The requested Special Use ***IS NOT*** an existing nonconforming use.
6. Regarding the variance:
  - a. Special conditions and circumstances ***{DO / DO NOT}*** exist which are peculiar to the land or structure involved, which are not applicable to other similarly situated land and structures elsewhere in the same district because:
    - a. ***The existing paved parking area extends over the north and east lot lines and the petitioners want to maximize use of this area.***
  - b. Practical difficulties or hardships created by carrying out the strict letter of the regulations sought to be varied ***{WILL / WILL NOT}*** prevent reasonable or otherwise permitted use of the land or structure or construction because:
    - a. ***Without the proposed variance, the petitioners would have to make a parking area on their west lawn, which currently has no pavement like the existing parking area does.***
  - c. The special conditions, circumstances, hardships, or practical difficulties ***{DO / DO NOT}*** result from actions of the applicant because:
    - a. ***The petitioners were unaware of the parking regulations.***

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- d. The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ **{IS / IS NOT}** in harmony with the general purpose and intent of the Ordinance because:
- a. *Anthony Drive has an unusually wide 70 foot right-of-way, so the petitioners and road users can safely maneuver.*
  - b. *There are no known plans to expand or widen adjacent roads.*
- e. The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ **{WILL / WILL NOT}** be injurious to the neighborhood or otherwise detrimental to the public health, safety, or welfare because:
- a. *Relevant jurisdictions have been notified of the variance, and no comments have been received.*
- f. The requested variance ~~{SUBJECT TO THE PROPOSED CONDITION}~~ **{IS / IS NOT}** the minimum variation that will make possible the reasonable use of the land/structure because:
- a. *In order to minimize costs and use of pavement, the requested variance is the minimum variation.*

7. **{NO SPECIAL CONDITIONS ARE HEREBY IMPOSED / THE SPECIAL CONDITIONS IMPOSED HEREIN ARE REQUIRED TO ENSURE COMPLIANCE WITH THE CRITERIA FOR SPECIAL USE PERMITS AND FOR THE PARTICULAR PURPOSES DESCRIBED BELOW:**

For Case 128-S-24:

- A. **The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**

The special condition stated above is required to ensure the following:

**That the proposed uses are in compliance with the Zoning Ordinance.**

- B. **Should the number of non-family employees for both Neighborhood Home Occupations exceed one, the petitioner must either:**
- (1) **apply for a new Special Use Permit, or**
  - (2) **ensure that only one employee parks at the subject property and other employees meet at work sites.**

The special condition stated above is required to ensure the following:

**That the Neighborhood Home Occupations comply with Zoning Ordinance requirements.**

There are no proposed special conditions for Case 131-V-24.

**PRELIMINARY DRAFT**

**Cases 128-S-24 & 131-V-24**

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**FINAL DETERMINATION FOR CASE 128-S-24**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, the requirements of Section 9.1.11B. for approval *{HAVE/ HAVE NOT}* been met, and pursuant to the authority granted by Section 9.1.6 B. of the Champaign County Zoning Ordinance, determines that:

The Special Use requested in Case 128-S-24 is hereby *{GRANTED/ GRANTED WITH SPECIAL CONDITIONS / DENIED}* to the applicant, **Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC**, to authorize the following:

**Authorize a Special Use Permit for a Neighborhood Home Occupation that exceeds the maximum allowed number of vehicles in the AG-2 Agriculture Zoning District per Section 7.1.1. of the Zoning Ordinance, subject to the variance in Case 131-V-24.**

***{SUBJECT TO THE FOLLOWING SPECIAL CONDITION:}***

- A. The Zoning Administrator shall not authorize a Zoning Use Permit or a Zoning Compliance Certificate until the petitioner has demonstrated that any new or proposed exterior lighting on the subject property will comply with the lighting requirements of Section 6.1.2.**
- B. Should the number of non-family employees for both Neighborhood Home Occupations exceed one, the petitioner must either:**
  - (1) apply for a new Special Use Permit, or**
  - (2) ensure that only one employee parks at the subject property and other employees meet at work sites.**

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

Cases 128-S-24 & 131-V-24  
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**PRELIMINARY DRAFT**

**FINAL DETERMINATION FOR CASE 131-V-24**

The Champaign County Zoning Board of Appeals finds that, based upon the application, testimony, and other evidence received in this case, that the requirements for approval in Section 9.1.9.C **{HAVE/HAVE NOT}** been met, and pursuant to the authority granted by Section 9.1.6.B of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Variance requested in Case **131-V-24** is hereby **{GRANTED / GRANTED WITH CONDITIONS / DENIED}** to the petitioners, **Fatima Salazar and Pedro Palzan, d.b.a. Roof Panther and K2 Builders LLC**, to authorize the following variance:

**Authorize a Variance for a Neighborhood Home Occupation with parking that is 0 feet from the front lot line and side lot lines in lieu of the minimum required 10 feet from the front lot line and 5 feet from the side lot lines in the AG-2 Agriculture Zoning District, per Section 7.4.1 A.3. of the Zoning Ordinance.**

***{SUBJECT TO THE FOLLOWING CONDITION(S):}***

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Ryan Elwell, Chair  
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date